

REMARKS

Overview

Claims 1-2, 5-16 and 20 are pending in the present application. Claims 1, 5, 6, 9, 10, 11, 15 and 16 have been amended. Claims 3, 4, 7, 8, 18 and 19 have been cancelled and claim 20 is new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Rejections

Claim 17 has been rejected under 35 U.S.C. § 112 as being indefinite. Applicant has cancelled claim 17, such that this rejection is moot.

Claims 1-4, 9-11, 15 and 16 have been rejected under 35 U.S.C. § 102 as being anticipated by Thompson. Claims 5 and 6 have been rejected under § 103 as being obvious over Thompson. Claims 12-14 have been rejected under § 103 as being obvious over Thompson in combination with Busch. Applicant respectfully traverses these rejections, and requests reconsideration of the claims, as amended.

Claim 1 is directed towards a roulette game. Thompson is directed to a poker game. See the Thompson title, abstract, summary of the invention, and detailed description, all of which refer to a poker game. Roulette and poker are two different forms of gambling, but are not the same game. This limitation of claim 1 cannot be ignored, since every word in the claim must be given meaning. *Exxon Chemical Patents, Inc. v. Lubrizol Corp.*, 64 F.3d 1553, 1557 (Fed. Cir. 1995). As the Patent Office Board of Appeals has explained in interpreting claims, "the presumption is that every word is meaningful." *In re Sabatino*, 480 F.2d 911, 912 (C.C.P.A. 1973). Thompson is not a roulette game wherein in each operation or spin of the wheel leads to a wager being won or lost.

Claim 1 has also been amended to provide that the rotatable wheel have 49 or 50 selectable regions. In Thompson, the wheel has 53 regions, and thus does not meet this limitation of claim 1. The Examiner has asserted that providing 49 or 50 regions, as compared to 53 regions, is an obvious matter of design choice. However, there is no statutory basis for such a design choice rejection. See *In re Chu*, 66 F.3d 292, 36 U.S.P.Q.2d 1089 (Fed. Cir. 1995); *In re Bezombes*, 164 U.S.P.Q. 387, 391 (C.C.P.A. 1970). Furthermore, it is not simply a matter of design choice to alter the number of selectable regions on the wheel. Any changes to the number of regions on the wheel will impact the game. As seen at the specification at page 23, Table 1 sets out the odds and profitability for a wheel having 53 or 54 regions (one or two jokers), with the profitability ranging between 1.89% and 9.43%, depending on the specific bet made by the players. Table 4 on pages 25 and 26 show the odds and profit with a 50 region wheel. The 50 region wheel provides profits in whole numbers, which is advantageous so as to simplify the task of paying winners, as compared to the 53 region wheel of Thompson, wherein the complex fractional profits complicates the payout task for the croupiers. Furthermore, as seen in table 4, the profit is consistent with each type of bet, as compared to the inconsistent profitability shown in table 1 for the 53 region wheel, such as in Thompson. Consistent profitability provides simplicity for the gambling house, and eliminates inconsistencies between the value of different types of bets. In other words, if the profitability is inconsistent, as in the Thompson 53 region wheel, then players can get better value by placing one type of bet, as compared to a different type of bet, which is undesirable for the gambling house.

Therefore, it is much more than a simple design choice as to the number of regions on the wheel, contrary to the Examiner's assertion in the Office Action.

Furthermore, by having only 49 or 50 regions in the wheel of the present invention, at least two cards are necessarily eliminated from the ordinary card deck. For example, aces and jokers may be eliminated. There is no suggestion in Thompson of eliminating any cards from the deck.

Claim 1 also requires a wagering area for positioning wagers on the indicia of the region selected by a single operation of the selecting means. Thompson does not meet this limitation, since the wagering area corresponds to multiple operations of the selecting means. Therefore, Thompson fails to meet this limitation of claim 1.

Since Thompson fails to meet several limitations of claim 1, claim 1 is not anticipated by Thompson, but rather distinguishes over Thompson so as to be allowable. Claims 2, 5, 6, 9, 16 and 20 depend from claim 1 and should be allowable as depending from an allowable base claim.

Independent method claim 10 includes many of the limitations discussed above with respect to claim 1 which distinguish over the Thompson patent. More particularly, claim 10 relates to players and operators in a "roulette game" and a "roulette game apparatus". Since Thompson is directed towards a poker game, rather than a roulette game, this limitation of claim 10 is not met by Thompson.

Also, claim 10 limits the wheel to 49 or 50 selectable regions. As discussed above with respect to claim 1, Thompson does not meet this limitation.

Furthermore, step (d) of claim 10 requires a result phase after the outcome phase "for each single operation of the indicia selecting means". In Thompson, the result phase does not occur until after a full poker hand is formed, which typically requires 5 or 7 spins of the wheel. In other words, Thompson does not have a result phase for each single spin or operation of a wheel, in accordance with claim 10, step (d).

Accordingly, claim 10 and depending claims 11-14 distinguish over Thompson so as to be allowable.

Independent claim 15 is also directed towards a roulette game, in the form of a product by process claim. Claim 15 requires a rotating wheel with 49 or 50 selectable regions. Claim 15 also requires a result phase after each single operation of the wheel. As discussed above with respect to claims 1 and 10, Thompson does not meet these limitations of claim 15, such that claim 15 distinguishes over Thompson so as to be allowable.

With respect to the 35 U.S.C. § 103 obviousness rejections of claims 5, 6 and 12-14, as well as any potential obviousness rejection, Applicant respectfully submits that the roulette game and method set forth in the claims is not obvious in view of Thompson, alone or in combination with other references. First, it is not obvious to substitute a poker game wherein the outcome is determined after dealing multiple cards, for a roulette-type game wherein the outcome is determined after each spin or operation of the wheel. In Thompson, the multiple cards are "dealt" by spinning the wheel multiple times.

Secondly, the present invention has enjoyed considerable commercial success. The invention is known commercially under the trademark Royal Roulette, and utilizes a wheel with 50 indicia regions with indicia associated with playing cards 2 to King in each suit, and one unsuited Ace and one Joker. This game has been very successful in several countries, including South Africa, Ireland, and Nepal. The game has also secured full GLI certification and SABS gaming approval in all 9 South African regions, as well as Nepal. The game is now being played in 3 out of the 4 major casino groups in South Africa, and has quickly developed a loyal following of new players, who find it very easy to understand and fun to play. The game tables are currently ranked the fifth most profitable out of 65 tables in the Carnival City Casino.

Attached are two pages from the game website, www.royalroulette.com, which shows the financial success of the game to the gaming house, as well as favorable comments by game players. Thus, this commercial success is secondary indicia of non-obviousness.

Conclusion

Please consider this a Request for a Two-Month Extension of Time from December 22, 2006 to February 22, 2006 and charge Deposit Account No. 26-0084 the amount of \$225.00 for this extension.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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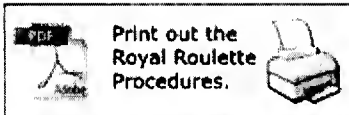
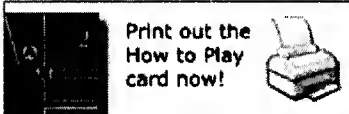
Attorneys of Record

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Click here for trial and licensing enquiries.

Wheel and layout supplied for trials



International Distributors



* UK



XN Corporation

* South Africa

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MAYFAIR CLUB CASINO LAUNCH

- Everyone playing Royal Roulette thought it was a very exciting and simple game to play.
- Royal Roulette is the bridge between Card players and Roulette.
- Royal Roulette has the broadest player appeal of any casino game.

Royal Roulette was successfully launched at Dublin's Mayfair Club Casino. The Casino has a total of 9 tables including Royal Roulette.

The following results are excellent indicators of the game's broad appeal across all player and cultures.



Above: Live Action from the Mayfair Club, Dublin Ireland 16th June 2004

ROYAL ROULETTE TABLE RESULTS (Dublin)

Royal Roulette				Standard Roulette		
Month	Drop	House Win	Win %	Drop	House Win	Win %
June	€ 12,240	€ 4,732	39%	€ 13,964	(- € 2,108)	(-15%)
July	€ 16,595	€ 5,595	34%	€ 37,174	€ 5,137	14%
August	€ 13,315	€ 2,688	20%	€ 18,885	€ 5	0%
September	€ 16,960	€ 7,005	41%	€ 31,788	€ 7,512	24%
Total	€ 59,110	€ 20,020	34%	€ 101,810	€ 10,546	10%

- Royal Roulette proved twice as profitable on half the drop as Standard Roulette.

- After only 2 weeks Royal Roulette represented 28% of the casinos gross monthly profit.
- Royal Roulette had up to a 41% monthly hold, while maintaining a 4 month average of 34%.
- New and novice players understood and adopted Royal Roulette immediately.
- Royal Roulette developed a regular following among:
 - Roulette players, both male and female playing for hours at a time, while enjoying the larger payouts
 - Black Jack players, who consistently placed 2-3 bets every shuffle, proved the addictive nature of Royal Roulette (perceived it as a card game).
 - All players preferred the familiar card symbols and found the game very easy to understand and play.
- Roulette dealers recognized the layout and made payouts with ease, resulting in dispute free gaming.
- Royal Roulette created an air of excitement for both members and dealers.

PROVEN KEY DRIVERS

- Royal Roulette is simple and uncomplicated (players and dealers alike).
- Easy to implement on the gaming floor.
- No dealer training required.
- Universally recognizable format.
- Simple introductory game for new players, everyone has played cards.
- 50% higher house advantage than Roulette.
- Payouts are 33% higher than standard Roulette.
- Only existing alternative for both card and Roulette players.

PLAYER COMMENTS

"Now that I have played Royal Roulette I cannot imagine going back to numbers."
- Doris

"The familiarity of cards give the game a personality, unlike numbers the cards have meaning."
- Michael

"It's the next Roulette."
- Rhonda

"If I had a choice I'd play Royal Roulette over standard Roulette because of the personality a card has. When your card comes up it's much easier to see in your mind a Jack of hearts than the number 26."
- Pete

"Cards give the game a buzz but the bigger payouts are an even bigger buzz."
- Arthur

"In standard Roulette you stand in front of 37 numbers that really have no meaning to me, but Royal Roulette only has 12 perceived cards in front of you. It seems much cleaner and not so busy on the mind."
- Julie

"Roulette has 37 numbers looking at you but here with Royal Roulette I know what the cards mean."
- David

"We love it, just love it, more money and more number 8's."
- Asian Roulette Player in Dublin

"It's very interesting, I never played Roulette but I understand this, it makes sense to bet on cards not numbers."
- Blackjack Player in Dublin

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